

I would like to make the following comments regarding the matter of Air-Ground Telephone Service and the Associated Spectrum.

First, it is apparent that the air-ground telephone services have never been highly utilized by passengers. I have even noticed a large number of aircraft in which the airphone handsets have been removed in recent years. With the declines in air travel for various reasons, and the proliferation of low cost carriers which would not tend to offer this service, this downward trend in utilization is not likely to be reversed. Since there is only a single carrier providing this service, and few planes carrying the equipment to even offer this service, it is my assertion that this service is no longer necessary and the spectrum should be reclaimed for other purposes.

Of primary importance is the growing need for spectrum in the 700-900 Mhz range by public safety agencies upgrading from local UHF and VHF equipment to statewide trunked systems. The additional demands of homeland security coordination will require these statewide systems to interface with other statewide systems on a national basis. As the number of agencies using this technology increases and the need for interoperability becomes apparent, existing spectrum will become increasingly crowded and new spectrum must be made available. Given the current density of spectrum usage in the 700-900 Mhz range, the likelihood of additional spectrum being made available for this purpose is unlikely. The commission is currently presented with a unique opportunity to address this future need now, with a minimal disruption and dislocation of incumbent users and licensees.

There is already significant spectrum allocated for wireless broadband, PCS, and GSM services both land based and via satellite which could be used for air-ground services. There is however only 6 Mhz of spectrum in the 800 Mhz range (821-824 and 866-869) which has been allocated to the public safety national plan. As part of the proposals to reduce and eliminate interference in the public safety systems, some suggest moving public safety users to the 851-854 Mhz portion of the band from their current allocations. If this were done, and, the existing Part 22 allocation of 849-851 Mhz were also reallocated to the public safety service, this would give a 6 Mhz contiguous block of frequencies to the dedicated use of public safety, doubling the amount of available spectrum, and reducing the potential for co-channel interference by stations below 849 Mhz.

The allocation of this spectrum for public safety use as mentioned will help to ease the congestion and interference problems currently experienced by existing public safety while allowing for additional growth not currently possible under current constraints. This in turn will enable their systems to grow to the size and complexity needed to perform increasingly complex missions called for by homeland security. This will be accomplished with minimal dislocation of existing services and inconvenience to users since there is only a single provider (Verizon) and the system is minimally used. This is a rare opportunity and I encourage the commission to consider it carefully before acting.

I am not qualified to address legal or treaty issues with respect to international regulations.